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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

KLAMATH COMMUNITY COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS; and DENIS
MCDONOUGH, in his official capacity as
Secretary of the United States Department
of Veterans Affairs,

Defendants.

Case No. 1:21-cv-01700-CL

JOINT STATUS REPORT

Pursuant to the Court's Minute Order entered on March 27, 2023 (ECF 50),

Counsel for plaintiff Klamath Community College ("KCC") and for defendants United States

Department of Veterans Affairs and Denis McDonough (collectively, “VA”) (together, the “Parties”) have conferred and submit the following Joint Status Report.

SCOPE OF ADMINISTRATIVE RECORD

The Administrative Record for review in this case shall consist of all documents and material directly or indirectly considered by VA’s decision-makers in deciding (i) “that KCC owes approximately \$1.3 million (or any amount) in overpayments related to [KCC’s] aviation programs”; and (ii) “that no benefits (for any class) should be paid for any VA student enrolled in any of the flight degree programs at KCC for any period beginning on or after November 1, 2015,” which KCC contends resulted from a decision by VA “to retroactively revoke its previous approval of the KCC Aviation Programs.” First Amended Complaint (ECF 25) ¶¶ 97, 126, 127.¹ The Parties anticipate that stipulation to the authenticity and foundation of the documents produced in the Administrative Record for this case will not be necessary.

PROPOSED DEADLINES

A. June 1, 2023 – VA will certify and lodge the Administrative Record with the Court and serve the Administrative Record on KCC. VA will file the Administrative Record with the Court through a method compliant with LR 5-2(f) and enter into a Protective Order with KCC prior to providing KCC with an unredacted copy of the Administrative Record.

B. August 1, 2023 – KCC will notify VA of any objections to the Administrative Record. KCC will make its best effort to notify VA of any issues with the Administrative Record on or before August 1, 2023. The Parties will meet and confer in good faith to try to resolve any disputes regarding the Administrative Record before seeking judicial intervention.

¹ VA disputes that these “decisions” constitute separate final agency actions.

The Parties are open to scheduling a judicial settlement conference and plan to reach out to potential mediators.

DATED this 31st day of March 2023.

MILLER NASH LLP

NATALIE K. WIGHT
United States Attorney
District of Oregon

/s/ Vanessa T. Kuchulis

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